

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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**IN RE: VONAGE MARKETING
AND
SALES PRACTICE LITIGATION**

**BUDD NAHAY, ROBERT
STARRETT, ALEX NEVELSON,
ERIC TERRELL, DARLENE
PENNOCK, FRANCESCO TRAMA
and JOHN STEWART, on behalf of
themselves and all others similarly
situated,**

Plaintiffs,

-against-

**VONAGE AMERICA, INC.,
VONAGE HOLDINGS CORP., and
VONAGE MARKETING INC.**

Defendants.

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Docket No. 07-3906 (FLW)

**DECLARATION OF JONATHAN
SHUB IN SUPPORT OF
APPLICATION FOR
FEES AND EXPENSES**

I, Jonathan Shub, declare under penalty of perjury:

1. I am a partner with the law firm Seeger Weiss LLP and Co-Lead Class Counsel in this litigation. I submit this declaration in support of the application of an award of attorneys' fees and expenses in connection with services rendered by counsel for Plaintiffs in this case, based my own personal knowledge

and, if called as a witness, I could and would testify competently to the matters stated below.

2. My firm represented Plaintiff Robert Starrett in this class action and also served as Co-Lead Class Counsel. The tasks undertaken by my firm can be summarized as follows: prosecution of the claims of my client and advancing the case before the MDL, prosecuting the claims of the consolidated actions, responding to discovery requests, attending conferences with the Court, and negotiating and seeing to the proper administration of the Settlement in this litigation.

3. The schedule attached hereto as Exhibit 1 is a summary indicating the hours worked by the partners, associates, and professional support staff who were involved in this litigation at my firm, through the date of this declaration (additional time will be spent in preparation for the settlement hearing, any further proceedings, and in implementing the settlement), and the lodestar calculation based upon my firm's current billing rates. Time spent in preparing this application for fees and reimbursement of expenses is not included. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm, which are available at the request of the Court for in camera review. My firm has spent 772.25 hours on this litigation from the inception of the case through April 10, 2011. The total lodestar amount based on the firm's current rates is \$400,166.75. The hourly rates set forth in Exhibit 1 are the same rates that my firm charges its hourly clients, are similar to the rates charged by litigation firms in the area for complex litigation, and/or have been accepted and approved in other consumer class action litigation.

4. As detailed in Exhibit 2, my firm has incurred a total of \$5,228.84 in unreimbursed expenses in connection with the prosecution of this litigation. The expenses incurred in this action are reflected on the books and records of my firm.

These books and records are prepared from expense vouchers, check records and other source materials and represent an accurate recordation of the expenses incurred.

5. With respect to the standing of counsel in this case, attached hereto as Exhibit 3 is a brief biography of my firm and any attorneys in my firm who were principally involved in this litigation.

6. Also serving as Co-Lead Counsel in this litigation was Andrew Friedman of the firm Cohen Milstein Sellers & Toll, PLLC. Attached hereto as Exhibit 4 is his Declaration in Support of Application for Fees and Expenses. This firm committed 1,659.25 hours to this case with a lodestar of \$795,193.75 and expenses in the amount of \$16,014.23.

7. In addition to Co-Lead Counsel, several other law firms contributed to the prosecution of the claims of their clients and the proposed class. These include: Girard Gibbs LLP; Banducci Woodward Schwartzman PLLC; Shalov Stone & Bonner; Krause, Kalfayan, Benink & Slavens; Freed & Weiss, LLC; Maddox Hargett & Caruso, PC; and the Terrel Law Group.

8. Attached hereto as Exhibit 5 is the Declaration of A.J. Bartolomeo in Support of Application for Fees and expenses for Girard Gibbs. This firm committed 26.20 hours to this case with a lodestar of \$13,163.00 and no expenses.

9. Attached hereto as Exhibit 6 is the Declaration of Benjamin A. Schwartzman in Support of Application for Fees and expenses for Banducci Woodward Schwartzman. This firm committed 64.4 hours to this case with a lodestar of \$26,436.00 and expenses in the amount of \$17.68.

10. Attached hereto as Exhibit 7 is the Declaration of Lee S. Shalov in Support of Application for Fees and expenses for Shalov Stone & Bonner. This firm committed 135.75 hours to this case with a lodestar of \$50,683.75 and no expenses.

11. Attached hereto as Exhibit 8 is the Declaration of Eric J. Benink in Support of Application for Fees and expenses for Krause, Kalfayan, Benink & Slavens. This firm committed 129.7 hours to this case with a lodestar of \$32,672.50 and expenses in the amount of \$4,088.68.

12. Attached hereto as Exhibit 9 is the Declaration of Paul M. Weiss in Support of Application for Fees and expenses for Freed & Weiss. This firm committed 104.1 hours to this case with a lodestar of \$41,738.50 and expenses in the amount of \$3513.89.

13. Attached hereto as Exhibit 10 is the Declaration of Barbara Quinn Smith in Support of Application for Fees and expenses for Maddox Hargett & Caruso. This firm committed 204.9 hours to this case with a lodestar of \$71,302.50 and expenses in the amount of \$411.86.

14. Attached hereto as Exhibit 11 is the Declaration of Reginald Terrell in Support of Application for Fees and expenses for the Terrell Law Group. This firm committed 69.5 hours to this case with a lodestar of \$31,450.00 and expenses in the amount of \$1162.23.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed at Philadelphia, Pennsylvania, on April 11, 2011.



Jonathan Shub